

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR 17-18-GF-BMM

Plaintiff,

ORDER

vs.

LEONARD GODFREY JOHNSON,

Defendant.

Defendant Leonard Godfrey Johnson (Johnson) has filed a motion seeking the court to reconsider its order detaining him pending a hearing scheduled for August 31, 2017, on the United States of America's (USA) motion to revoke his pretrial release or, in the alternative, for an order rescheduling the hearing to an earlier date. (Doc. 35) The USA opposes Mr. Johnson's motion. (Doc. 36)

Mr. Johnson argues that his most recent urinalysis test is negative for the presence of THC and this fact justifies his immediate release or an earlier hearing date. However, whether Mr. Johnson's most recent test is negative has little probative value on the determinative issue of why his prior tests were positive for the presence of THC. At present, Mr. Johnson is advancing a theory that kidney stones are the source of the THC detected in his prior test and that he ingested this THC before he was released on conditions. Mr. Johnson, however, is not an expert

qualified to opine on such issues and he has not offered any expert testimony or other scientific evidence in support of his theory.

Because Mr. Johnson has not presented this court anything other than his unsupported theory and because his prior tests were positive for the presence of THC, his motion to reconsider or, in the alternative, for an order scheduling an earlier hearing is hereby DENIED.

DATED this 21st day of August, 2017.



John Johnston
United States Magistrate Judge